

AO 91 (Rev. 08/09) Criminal Complaint

JL  
5/13/2021

UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

United States of America  
v.  
Florencio Natividad-Martinez

Case No.

2:21-mj-332

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 6, 2021 in the county of Franklin in the  
Southern District of Ohio, the defendant(s) violated:

Code Section  
8 USC 1326(b)(1)

Offense Description  
Illegal re-entry by a removed alien

This criminal complaint is based on these facts:  
see attached affidavit

☒ Continued on the attached sheet.

Scott Yarman

Complainant's signature

Scott Yarman Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-13-21

City and state: Columbus, OH

Judge's signature

Chelsey M. Vasquez, U.S. Magistrate Judge

Printed name and title



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN THE MATTER OF THE CRIMINAL</b>	)	
<b>COMPLAINT OF:</b>	)	
	)	<b>Case No.</b>
<b>Florencio Natividad-Martinez</b>	)	

**AFFIDAVIT IN  
SUPPORT OF CRIMINAL COMPLAINT**

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer Scott A. Yarman, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than eleven (11) years of experience as a Deportation Officer with the United States Immigration and Customs Enforcement (ICE), Border Patrol Agent with the U.S. Border Patrol, and a Police Officer with the Utica Police Department. I am assigned to the Columbus, Ohio Office of Enforcement and Removals-Field Operations. I have investigated both criminal and administrative matters involving aliens in the United States. I have a bachelor's degree in Criminal Justice. I have successfully completed the U.S. Border Patrol Agent Academy at the Federal Law Enforcement Training Center (FLETC) at Artesia, NM.

My investigation has revealed the following facts:

2. On or about October 01, 2013, Florencio Natividad-Martinez, a citizen of Mexico, was arrested in Columbus, Ohio and subject to a Notice to Appear (NTA). On November 19, 2013 Natividad-Martinez was ordered removed from the United States by an Immigration Judge in Cleveland Ohio. On November 27, 2013 Natividad-Martinez surrendered his fingerprint and photo for the immigration for I-296 (Notice to Alien Ordered Removed/Departure Verification) of which he signed. Natividad-Martinez's departure was witnessed and signed by an Immigration Officer.
3. On or about February 8, 2014, Natividad-Martinez was encountered near Harlingen, Texas. Natividad-Martinez's prior order of removal was reinstated. On February 08, 2014, Natividad-Martinez surrendered his fingerprint and photo for the immigration for I-296 (Notice to Alien Ordered Removed/Departure Verification) of which he signed. Natividad-Martinez's departure was witnessed and signed by an Immigration Officer and he was removed from the United States through the Brownsville, Texas Port of Entry.

4. On or about August 10, 2016, Natividad-Martinez was encountered in Columbus, OH. Natividad-Martinez's prior order of removal was reinstated. On the same date Natividad-Martinez was presented for Prosecution under 8 U.S.C 1326(a) and subsequently convicted on February 3, 2017. On February 07, 2017 Natividad-Martinez surrendered his fingerprint and photo for the immigration for I-296 (Notice to Alien Ordered Removed/Departure Verification) of which he signed. Natividad-Martinez's departure was witnessed and signed by an Immigration Officer. He was removed from the United States through Laredo, Texas.
5. On or about May 6, 2021, Natividad-Martinez was encountered by ICE officials in Franklin County, Ohio. The officer recognized Natividad-Martinez from a previous arrest. It was determined after a verification of records that Natividad-Martinez had previously been ordered removed from the United States and that he is subject to prosecution for illegal re-entry, having been found in the United States after being barred for a period of life following his most recent removal in 2017.
6. Your Affiant uses the above facts to establish probable cause that Natividad-Martinez is an alien, was found in Franklin County Ohio, after having been removed from the United States on or about the above dates, at or near the above locations, and whose removal was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), specifically Title 8, United States Code, Sections 1326 (a)(1) Reentry of removed aliens, in violation of Title 8, United States Code, Sections 1326 (b)(1).

*Scott Yarman*

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Scott Yarman  
Deportation Officer  
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 13 day of <sup>May 2021</sup>XXXXXXXXXX.

*[Signature]*  
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Hon. Chelsey M. Vascura  
United States Magistrate Judge  
Southern District of Ohio